

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

Deontre Devyon Williams,

Petitioner,

v.

Federal Bureau of Prisons, *FCI-2*, and
J.G. Holland, *Complex Warden*,

Respondents.

Civil Action No. 8:17-1125-RMG

ORDER AND OPINION

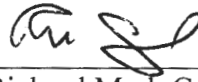
This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending the petition for habeas relief under 28 U.S.C. § 2241 be summarily dismissed without prejudice and without requiring Respondent to file a return.

Petitioner was convicted and was sentenced in the District of South Carolina. He challenges the Bureau of Prison's calculation of his sentence, arguing he is entitled to nine additional months of credit for pretrial detention. The Court cannot address the merits of the petition, however, because Petitioner is incarcerated at the Federal Medical Center in Butner, North Carolina, which is located in the Eastern District of North Carolina. The proper Respondent, the warden in Butner, North Carolina, is not within the personal jurisdiction of this Court. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (explaining territorial limitations on district courts' ability to grant habeas relief).

Because this Court does not have power to grant the writ of habeas corpus Petitioner seeks, the Magistrate Judge recommended dismissal without prejudice for lack of jurisdiction, so Petitioner may bring his petition for habeas relief in the Eastern District of North Carolina, which is the appropriate court. Petitioner has filed no objections. The Court agrees fully with the recommendation of the Magistrate Judge, and therefore **ADOPTS** the Report and

Recommendation (Dkt. No. 8) as the Order of the Court and **DISMISSES WITHOUT PREJUDICE** the petition for habeas relief under 28 U.S.C. § 2241 (Dkt. No. 1).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 27, 2017
Charleston, South Carolina